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FISCAL IMPACT STATEMENT

LS 7843

BILL NUMBER: SB 498

NOTE PREPARED: Jan 22, 2003

BILL AMENDED:

SUBJECT: Polling place and voting machine accessibility.

FIRST AUTHOR: Sen. Simpson

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill has the following provisions:

(A) Provides that an elderly voter or a voter with disabilities may apply for permanent absentee ballot status. Entitles elderly voters and disabled voters to be provided with ballots and other election materials in the format requested by the voter.

(B) Appropriates 10% of the money received by the state under Section 101 of the **Help America Vote Act** (HAVA) for training election officials, poll workers, and election volunteers.

(C) Requires the Co-Directors of the Election Division to apply for payments under HAVA to make polling places accessible to elderly voters and voters with disabilities and appropriates any money received. Requires voting systems to meet accessibility requirements not later than January 1, 2006.

(D) Requires the circuit court clerk rather than the county executive to designate polling places. Requires polling places to be located in facilities accessible to elderly voters and voters with disabilities not later than January 1, 2006. Establishes standards for accessible facilities and accessible voting systems.

(E) Appropriates all money received by the Indiana Protection and Advocacy Services Commission from the Secretary of the United States Department of Health and Human Services under HAVA for activities to ensure full participation in the electoral process for individuals with disabilities.

(F) Requires the circuit court clerk to send a notice to a provisional voter whose ballot is not counted stating the reason the voter's ballots were not counted.

Effective Date: Upon passage; July 1, 2003.

Explanation of State Expenditures: (B) The bill appropriates 10% of the money that may be received by the state under Section 101 of HAVA for training election officials, poll workers, and election volunteers. Assuming Indiana were to receive the entire estimated grant from Section 101 of HAVA (*See Explanation of State Revenues*), ten percent of the estimate would provide approximately \$681,443 for the purposes described above.

Under the bill, any funds received under Section 101 and 102 of the HAVA would be placed in the Voting System Improvement Fund (VSIF).

(C) & (E) The Election Division would incur additional administrative responsibility to prepare an application, apply for, and if received, spend payments from Federal grants that may be received under Sections 261-265 of HAVA. Amounts received by HAVA under this provision would be appropriated continuously. (*See Explanation of State Revenues*)

(D) The bill requires the co-directors of the Election Division to determine whether or not a special polling place must be established in a county with regard to accessibility for disabled voters. The provision would increase the administrative responsibilities of the Election Division.

Background: As of November 4, 2002, the Election Division of the Office of the Secretary of State employed 12 persons, 11 full-time and 1 intermittent.

Explanation of State Revenues: (B) Under Section 101 of HAVA, Indiana may receive approximately \$6,814,330 based on projections using US Census voting age population estimates.

(C) & (E) HAVA does not specify the amount of funding that Indiana may receive under Sections 261-265. Any amount of Federal funds awarded under these sections would be determined by the Secretary of the US Health and Human Services Agency. Funds can be received by **both state and local government** entities. Total US authorizations are \$50 M in FY 2004, \$25 M in FY 2005, and \$25 M in FY 2006.

The amount applied for and received would be used to improve accessibility of polling places to disabled voters specified in the bill.

NOTE: As of the date of this fiscal impact statement, the Federal government has not appropriated nor disbursed any appropriation under HAVA to Indiana.

Explanation of Local Expenditures: (A) The circuit court clerk would incur additional administrative responsibilities under this provision. If any additional mailings would have to be made in order to comply with the bill, the total cost of these mailings would vary by county and are currently indeterminable.

(C) & (D) The bill would require the circuit court clerk to designate polling places instead of the county executive. The provision would create additional administrative responsibilities for the circuit court clerk's office. The impact of this provision is indeterminable and would depend on local action.

The bill would require each county to have disabled voter accessibility on at least one voting machine per precinct by January 1, 2006. Under Federal regulations, disabled voting areas would be required to have wheelchair access, and various audio and enhanced visual instructions for the operation of the voting system.

The estimated impact to local expenditures is currently indeterminable. *This fiscal impact statement will be updated when additional information is available.*

Under current law, the Indiana Department of Administration must award quantity purchase agreements (QPA) to vendors to replace existing county voting systems for the following purposes: improve reliability, efficiency, ease of use, and public confidence in county voting systems. Under the bill, all counties would be required to purchase, lease-purchase, or lease at least one voting system for each precinct with the Indiana Department of Administration. Currently, the Department has four QPAs with the following vendors: Hart Intercivic, ES&S, Micro Vote, and Diebold Election Systems.

P.L. 239-2001 established the Voting System Improvement Fund (VSIF) to reimburse counties for the purchase, lease purchase, lease, upgrade, or expansion of existing voting systems. Under the bill, the Fund would be used to reimburse counties for the replacement of punch card and lever machine voting systems in Indiana elections. As of October 2002, no state or Federal funds have been appropriated/deposited into the VSIF. Counties have applied for reimbursement, in case of future availability of funds.

The Budget Agency must review and the Budget Committee must approve all applications for matching state funds for voting systems under current law. To receive reimbursement for voting machine replacement/enhancement, a county had to send an application to the Budget Agency no later than January 2, 2003.

P.L. 291-2001 appropriated \$5 M for the statewide voter registration file, and \$4 M for voting equipment upgrades. However, these monies as part of the Build Indiana Fund were diverted for deficit management purposes.

Background: During the 2002 general election, Indiana had approximately 5,457 precincts, eight counties with lever voting machines, and 28 counties with punch card machines.

(F) Under the bill, circuit court clerks would send notice to provisional voters including the reason for not counting a cast provisional ballot. The total cost to circuit court clerks would vary by county.

Explanation of Local Revenues:

State Agencies Affected: Indiana Election Division.

Local Agencies Affected: Office of the circuit court clerk; County election boards.

Information Sources: Indiana Election Division; Department of Administration; US Bureau of Census; State Budget Agency; *State of Indiana HRM Detail Staffing Report, 11/04/2002.*

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